

REMARKS

The Office Action dated June 25, 2003 has been reviewed and the Examiner's remarks carefully considered. The specification has been amended. Claim 2 has been cancelled. Claims 1, 3, 4, and 5 have been amended and new claim 15 has been added. Therefore, Claims 1, and 3-15, are pending in the application.

The specification and claims are objected to for various informalities. In addition claim 12 is rejected under 35 U.S.C. § 112, second paragraph as indefinite. Appropriate amendments have been made to the specification and claims. Reconsideration and withdrawal of the objections and rejections is respectfully requested.

By way of background, Applicants point out that the present application discloses a seat belt device with a shock absorbing member (14). The shock absorbing member (14) functions to absorb the shock resulting from the stopping movement of the buckle (2). Also, the shock absorbing member (14) holds a wire (3) connected to the pretensioner at a predetermined angle with respect to a direction of movement of the pretensioner. For the Examiner's convenience, exemplary differences between the claimed invention and the prior art cited in the pending Office Action are highlighted below

All of the claims are rejected over U.S. Patent No. 5,538,677 (Kopetsky). The rejection should be withdrawn because Kopetsky fails to disclose, teach or suggest the claimed invention. Claims 1, 13 and 14 are independent claims and are discussed below.

With regard to claim 1, for example, Kopetsky fails to disclose a seat belt device with a shock absorbing member including "two compressible members, the second compressible member surrounding the first compressible member." The Examiner admits that Kopetsky fails to disclose a second compressible member. However, the Examiner contends that it would have been obvious to include a second compressible member. The Examiner has failed to identify a teaching in the prior art that would motivate one of ordinary skill in the art to modify Kopetsky to arrive at the claimed invention. Thus, no *prima facie* case of obviousness has been made and the rejection should be withdrawn.

The only evidence in the record that provides a reason for providing a second compressible member is contained in the present application, which discloses that when the buckle is subject to a pretensioning force, shock may be exerted on the buckle and the cover. (See Application at [0029]). However, any reliance by the PTO on the present application would constitute impermissible hindsight reasoning. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3-12 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations contained therein.

Claims 13 and 14 are directed to a seat belt device having "two compressible members." Thus, the rejection of these two claims should be withdrawn for at least the reasons set forth above with regard to claim 1 without regard to the further patentable limitations contained therein.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 25, 2003

FOLEY & LARDNER
Customer Number: 22428
Telephone: (202) 672-5582
Facsimile: (202) 672-5399

By *Howard N. Shipley*

Howard N. Shipley
Attorney for Applicant
Registration No. 39,370